HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

Writ Petition No. 14134 of 2001

Between:

T. Ratnakumari

… Petitioner

and

Andhra Pradesh State Road Transport Corporation,
Rep. by its Managing Director, Musheerabad,
Hyderabad & others.

... Respondents

:: O R D E R ::

Counsel for the petitioner : Shri V.V.L.N. Sarma

Counsel for respondent Nos. 1 to 3 : Shri C. Prakash Reddy

2nd November, 2007

In this petition, the petitioner has made the following substantive prayer:

> " It is therefore necessary in the interests of justice that this Hon'ble Court is pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondents in allotting the STDPT Booth in the SC quota in favour of the 6th respondent without any advertisement or following the due process of law and ignoring my claim for the same, as illegal, arbitrary etc. and grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioner, who is a member of Scheduled Caste, applied for allotment of STD booth in Kakinada depot of the Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation'). Her application is said to have been forwarded by the Executive Director, District Scheduled Castes Service Cooperative Society Limited, Kakinada to the competent authority of the Corporation some time in 2001.

The grievance of the petitioner is that even though she fulfills the conditions of eligibility, without considering her candidature, the concerned authority arbitrarily granted licence to respondent No.6 for installation of STD booth.

In the counter filed on behalf of respondent Nos. 1 to 3, it has been averred that as per the policy of the Corporation, stalls were earmarked at various bus stations of East Godavari District region for allotment of shops to the persons belonging to Scheduled Castes and Economically Backward Classes; that the application made by the petitioner had not been received from the concerned authority and that respondent No.6, who belongs to Scheduled Caste and whose application was received through proper channel, was granted permission to install STD booth for a period of three years commencing from 15.06.2001 at a monthly licence fee of Rs.1,200/- and that the term of the licence granted to respondent No.6 came to an end in 2004. All this is evinced from paragraphs 3 to 6 of the affidavit dated 28.03.2002 of Shri M. Sudhir Reddy, Law Officer of the Corporation, which are extracted below:

" 3. It is submitted that a telephone booth was allotted to Smt. I. Sayavathi on a monthly rent of Rs.1,200/- towards licence fee for the period from 28.6.2001 to 27.6.2004 in the Bus Station, Kakinada under allotment of stalls in A.P.S.R.T.C. Bus Stations to the members of Scheduled Caste and

poorer economically backward classes by the Regional Tender Committee with the approval of Executive Director, APSRTC, Vizianagaram in pursuance of guidelines communicated through Circular No. 50/98-OPD(c) dated 24.7.1995 of Vice-Chairman & Managing Director, APSRTC, Hyderabad. As per the guidelines of the above circular one stall in any bus station if the number of pucca stalls are five and two stalls in any bus station, if the total number of pucca stalls are 10 or more to be earmarked to the members of Scheduled Caste/Poorer economically Backward Classes persons for allotment. Accordingly, the respondent Corporation earmarked the following stalls in the bus stations of East Godavari Region for allotment of shops to the persons of SC/Poorer economically backward classes.

Sl.No.	Name of the Bus Station	No.of stalls earmarked for SC/PEB members
1.	Amalapuram	01
2.	Rajahmundry	01
3.	Kakinada	01
4.	Pithapuram	01
5.	Prathipadu	01
6.	Kathipudi	01
7.	Kadiam	01
8.	Samalkota	01
9.	Peddapuram	01
10.	Tuni	01
	Total:	10

4. It is submitted that the respondent Corporation sent the information regarding the stalls earmarked for allotment to SC/poorer economically backward classes to the District Collector, East Godavari District, Kakinada by Lr.No.S2/437(77)/98-RM:RJY dated 27.11.1998 and requested to advise the District Social Welfare Officer to sponsor the most deserving applicants of the above categories in the ratio of 1:5 at an early date. The Deputy Director, Social Welfare, Kakinada through RC.No. A3/1142/98 dt. 17.12.1998 to sponsor the names of persons of SC/Poorer economically backward classes for allotment of shops at APSRTC depots to Regional Manger, APSRTC, Rajahmundry under intimation to the respondent Corporation. In this connection, this is to submit that Executive Director, East Godavari Scheduled Caste Cooperative Society Ltd., Kakinada has sponsored the name of Smt. I. Satyavathi for allotment of telephone booth at

APSRTC Bus Station, Kakinada through RC.No.S2/227/2001 dated 14.5.2001 and informed that he had not received any other application for installation of telephone booth at APSRTC Bus Station, Kakinada.

5. It is submitted that Regional Tender Committee met on 22.5.2001 consisting of Regional Manger, Rajahmundry (Chairman), Divisional Manager, Kakinada (Member) and Accounts Officer (F&A)(Member) have considered the application of Smt. I. Satyavathi and recommended to allot space for installation of Booth in the bus station, Kakinada on a monthly licence fee of RS.1,200/- for a period of 3 years on 22.5.2001 to the Executive Director, Vizianagarm Zone for approval. The Executive Director has given his approval for installation of booth. Accordingly, the Regional Manager has issued allotment order by Lr.no.S2/437/77/1998-RM: RJY on 2.6.2001. The 6th respondent has remitted he Security Deposit of Rs. 8,400/- (6 months licence fee plus 1 month advance licence fee) on 15.6.2001 and executed deed of licence with the Regional Manager, Rajahmundry on 22.6.2001 and commenced business w.e.f. 28.6.2001. There is no illegality or arbitrariness in allotting the telephone booth to the 6th respondent. The respondents corporation would have considered the case of the petitioner had the District Collector/District Social Welfare Officer or Executive Director of East Godavari Scheduled Castes Co-operative Society Ltd. sponsored the name of the petitioner for allotment of telephone booth.

6. It is submitted that the petitioner has never approached Regional Manger's Office, APSRTC, Rajahmundry for allotment of telephone booth at Kakinada Bus Station to inform her the procedure for allotment of Telephone Booth under allotment to SC/Poorer economically backward classes. The respondent corporation is also not in receipt of any letter from her in connection with the above subject, except her letter dated 1.6.2001 wherein she made certain allegations regarding allotment of telephone booth at Kakinada Bus Station under allotment to SC/Poorer economically backward classes. A reply to this effect was sent duly informing the procedure for allotment of stalls under SC/Poorer economically backward classes through letter dated 14.6.2001. The respondents have not received any applications of the petitioner dated 3.1.2001 through the Executive Director, East Godavari S.C. Cooperative Society Ltd., Kakinada."

In a separate counter-affidavit filed by him, Shri V. Ravi Kumar, Executive Director, District Scheduled Caste Service Cooperative Society Limited has averred that the applications of the petitioner,

respondent No.6 and one T. Raju were forwarded to the competent authority in the month of January 2001.

Shri V.V.L.N. Sarma appearing for the petitioner very fairly stated that he cannot persuade the Court to annul the licence granted to respondent No.6 because her term has already come to an end, but submitted that the Court may direct the official respondents to consider the petitioner's case as and when decision is taken to grant licence for establishing STD booth in Kakinada depot of the Corporation or in any other nearby depot.

Shri C.Prakash Reddy, learned counsel for respondent Nos. 1 to 3 gave out that after expiry of the term of licence granted to respondent No.6, fresh licence was granted to Ms. Sunitha, who too belongs to Scheduled Caste, for establishing STD booth and that the term of her licence has been extended up to 2010. He then submitted that respondent Nos. 1 to 3 will have no objection, if a direction is issued for consideration of the petitioner's case in accordance with the extant policy provided that she fulfills the conditions of eligibility.

Since the petitioner has not impleaded Ms. Sunitha as party to the writ petition, I do not consider it proper to make any comment on the legality of the licence granted to her and feel that ends of justice will be met by disposing of the writ petition with the direction that as and when the competent authority of the Corporation decides to grant licence for installation of STD booth in Kakinada depot or in any other nearby depot, then the application of the petitioner shall be considered along with those of the other similarly situated persons provided that she fulfills eligibility condition prescribed for the purpose. Ordered accordingly.

The writ petition is disposed of in the manner indicated above.

G.S. SINGHVI, CJ

Date: 02.11.2007
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